



## Complaints Procedure Statement

**The Board of Create Learning Trust has adopted this policy (November 2019). It will be reviewed annually by the Board of Trustees.**

### Introduction

This policy provides the framework within which parents/carers of pupils at all academies within the Trust and non-parents/carers may raise a complaint and have confidence that it will be considered seriously and dealt with appropriately. This policy outlines the system and route for complainants to make the academy aware of their concerns. Create Learning Trust has a strong commitment towards working in positive partnership with the whole school community. We need to ensure that we comply with requirements about handling complaints. These are contained in The Education (Independent School Standards) (England) Regulations 2014 (Schedule 1, Part 7).

It is important for complainants to decide whether their complaint is worthy of using the Create Learning Trust complaint procedure. It may be worth asking the question, **'Is this a concern or a complaint?'** The answer to this question should help a complainant know how best to deal with the issue. Whatever the answer, complainants should aim to deal with issues as informally as possible; ideally face to face with a member of staff at an appropriate time which has been mutually agreed. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful. Where an individual may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear and transparent process for a complaint to be investigated and followed up.

### Policy Principles

To encourage resolution of problems by **informal** means wherever possible

- To be easily **accessible** and **publicised**
- To be **simple** to understand and use
- To be **impartial**
- To be **non-adversarial**
- To allow **swift** handling with established **time-limits** for action and keeping people informed of the progress
- To ensure a full and **fair** investigation by an independent person where necessary
- To respect people's desire for **confidentiality (no use of social media to highlight complaint)**
- To address all the points at issue and provide an **effective** response and **appropriate** redress

This procedure will be relied upon in respect of all complaints against individual academies within the Trust or the Trust itself except in the following areas, where separate policies and procedures exist:

- Child protection allegations
- Exclusions
- Admissions

Details of these policies and procedures can be found on the website for each academy in the Trust.

### Stages of Complaint for Parents/Carers

There are 4 stages to the complaint procedure for parents/carers of pupils at the academy. Stages 1 and 2 are informal. Stages 3 and 4 are formal. Complainants who have missed out stages in the procedure will be referred back to the appropriate stage.

<p><b>Stage One Informal</b></p>	<p>If you have concerns about any aspect of your child's education and/or welfare you should first raise these concerns with the relevant member of staff, their immediate manager or a senior manager in an attempt to resolve the issue. This can be done by seeing the member of staff at the end of the school day or by telephoning the school office to make an appointment.</p>
<p><b>Stage Two Informal</b></p>	<p>If you are not satisfied after Stage 1, write to the Headteacher who will investigate the complaint and respond in writing within ten (10) school days.</p> <p>If your complaint relates to the Headteacher, write to the Chair of the Local Academy Board (LAB) in a sealed envelope with 'confidential' written on it via the school office, and s/he will arrange for the complaint to be investigated and respond within ten (10) school working days. The Chair may call upon a LAB member with specific expertise to review or undertake the investigation. See 'Complaint Form' to structure your complaint.</p> <p>You have fifteen (15) school working days to consider the decision. If no response is received by the academy within fifteen (15) school working days, it will be deemed that the decision is accepted and the case will be closed. If, however, you are not satisfied with the response received from stage 2 of the process, you may proceed to Stage 3 of the complaint process but must do so within fifteen (15) school working days of the response.</p>
<p><b>Stage Three Formal</b></p>	<p>If you are not satisfied after Stage 2, write to the Chair of the Local Academy Board by completing the 'Complaint Form' and sending it via the school office in a sealed envelope with 'confidential' written on it, who will convene a Complaints Panel of at least three (3) people who were not directly involved in the matter being complained about; one of whom must be independent of the management and running of the school and one of whom must be a member of the Board of Trustees of Create Learning Trust. The panel will hear the complaint within fifteen (15) school working days. Neither the Headteacher nor the Chair of the Local Academy Board can be members of the panel as they will already have been involved in handling the complaint.</p> <p>The Complaints Panel is the last academy/Trust-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. The panel may regulate its own procedure and implement a process at this stage which is appropriate to the complaint being made. You will be entitled to attend the panel hearing and be accompanied if you so wish. This meeting will be clerked and those concerned will be allowed to bring witnesses if this is appropriate. The panel will give a decision in writing without delay or within ten (10) school working days of the hearing to you. A copy of the decision will be forwarded to any persons who are the subject of your complaint and the Headteacher.</p> <p>The findings and recommendations of the panel will be available for inspection on the school premises by the proprietor and the Headteacher. The academy will keep a written record of all complaints* made in accordance with sub-paragraph (e) of The Education (Independent School Standards) (England) Regulations 2014 (Schedule 1, Part 7), along with details of whether they were resolved following a formal procedure, or progression to a panel hearing. The academy records will note the action taken as a result of complaints (regardless of whether they are upheld). All correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.</p> <p><i>* No meetings will be tape recorded, that this will be stated at the commencement of the meeting before the Local Academy Board and that if the complainant does still go ahead and records the meeting it will not be considered as part of the investigation of the complaint.</i></p>
<p><b>Stage Four Formal</b></p>	<p>The results of the hearing will be final and following ratification of the outcome, you will be advised that the matter is closed as far as the academy/Trust is concerned. Complaints about the school failing to comply with this procedure or failing to comply with the obligations in its Funding Agreement with The Secretary of State for Education may be made to the Education and Skills Funding Agency (ESFA).</p> <p>The ESFA will consider complaints that fall into any of the following three categories: 1. where</p>

	<p>there is undue delay or the school does not comply with its own complaints procedure when considering a complaint</p> <p>2. where the academy is in breach of its funding agreement with the Secretary of State</p> <p>3. where an academy has failed to comply with any of its legal obligation</p> <p>The ESFA will normally only consider complaints when every stage of the above process has been completed.</p> <p>Further details can be found at <a href="http://www.education.gov.uk/aboutdfe/complaintsprocedure">www.education.gov.uk/aboutdfe/complaintsprocedure</a></p>
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### Academy Complaint Procedure for Non-Parents/Carers

If you have concerns about the academy, please raise these concerns with the Headteacher in an attempt to resolve the issue by telephoning the school office to make an appointment. If you are not satisfied by the response, write to the Chair of the Local Academy Board in a sealed envelope with 'confidential' written on it via the academy office and s/he will arrange for the complaint to be investigated and respond within ten (10) school working days. The Chair may call upon a LAB member with specific expertise to review or undertake the investigation. There is no right to appeal at the end of this stage.

#### Investigating Complaints

At each stage of the investigation process, the person investigating the complaint ensures that they

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

#### Resolving Concerns and Complaints

When there are particular concerns which complainants wish to share, the school encourages them to contact the school by telephone or email/letter so that the matter can be dealt with *quickly and informally*.

For clarity: there is a difference between a concern and a complaint:

- Concerns ought to be handled, if at all possible, without the need for formal procedures
- Complaints will be dealt with openly, fairly, promptly and without prejudice
- The Academy reserves the right to treat communications with parents as formal complaints even if parents/carers do not request this in the communication

At each stage in the Complaints procedure, academies will keep in mind ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following, an:

- apology
- explanation as to why something happens in the way it does
- admission that the situation could have been handled differently or better
- assurance that the event complained of will not recur
- explanation of the steps that have been taken to ensure that it will not happen again
- undertaking to review school policies in light of the complaint.

#### Vexatious Complaints

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same or substantially the same or any other issue where the Chair of the local governing body reasonably believes that the aim of the complainant is to cause stress to the academy or is unreasonably made, the Chair of the local governing body will inform them in writing that the procedure has been exhausted and that the matter is now closed in accordance with the following procedure:

**Stage 1** - if the communication/complaint from a single person meets our definition of vexatious or persistent complaint (see below), a warning letter will be issued setting this out and expressing a view that if the behaviour

does not change, we will deem the complaints vexatious and that a person's right to access the complaints procedure or communicate with the school will be restricted.

**Stage 2** - if the behaviour continues, the following restrictions will be put in place - email contact via a specific address or communication in writing only; meetings with two members of staff; calls to a specific person; no need to acknowledge letters etc. As long as parents still receive necessary information about the child, the other restrictions are within the academy's discretion. Obviously, if the letters become threatening etc., then police involvement, action under Protection from Harassment Act 1997, would have to be considered.

Vexatious complaints - are complaints made, regardless of their merits, solely to harass, worry or annoy the person / organisation subject of the complaint. It may take the form of a primary frivolous complaint or may be the repetitive, burdensome, and unwarranted filing of meritless complaints. Filing vexatious complaints is considered an abuse of the school's complaints system and may result in stage 1 and/or stage 2 above being taken against the complainer.

A single complaint, even a frivolous one, is usually not enough to raise a complainant to the level of being declared vexatious.

#### **Publication of Procedure**

This procedure will be made available on the website for each academy in Create Learning Trust and will be made available to anyone who asks for it.

Create Learning Trust  
**Academy Complaints Procedure for Parents/Carers of  
 Pupils**

Please complete and return to the Headteacher (Stage Two Informal) or the Chair of the Local Academy Board (Stage Three Formal), who will acknowledge receipt and explain what action will be taken.

<b>Your name</b>		
<b>Child's name</b>	<b>Year Group</b>	
<b>Your relationship to the child</b>		
<b>Address</b>		
<b>Telephone Number</b>	<b>(daytime)</b>	<b>(evening)</b>
<b>Please give details of your complaint</b> (Include details of actions already taken by the school to try to resolve the situation)		
<b>What actions do you feel might resolve the problem at this stage?</b>		
<b>Are you attaching any paperwork? If so, please give details.</b>		
<b>Signature</b>		

**Date**

**Official Use by Academy School**

**Date acknowledgement sent:**

**By whom?**

**Complaint referred to:**

**Date:**

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.